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APR 08 2016

LUPC - RANGELEY

Maine Land Use Regulation Commission
Department of Conservation



Expedited Permit

For Maine Department of Transportation Projects

1. Applicant Information

Applicant Names: Maine Department of Transportation

Mailing Address: 16 State House Station
Augusta, ME 04333

Contact Name: Tim Adams **Contact #:** 215-7413 **Contact email:** timothy.adams@maine.gov **Contact fax:** 562-4269

2. Project Location

Township: Letter E **County:** Franklin

MaineDOT Pin #: Maintenance and Operations

Name of Road: Main Rd, AKA Letter E Rd, AKA Letter E Rd

Name of Waterbody(s): Adjacent to Unnamed, Unmapped Stream

Zoning (List all sub districts covering your project): **M-GN, PW-L1** (MDOT identified small, unnamed, unmapped stream along NE corner of lot)

Level Road Project: Work associated with Level B Road project (WIN 12775.00)

(Projects that are Level C Road project and in subdistrict P-AR, P-FW, P-MA, P-RR, P-RT, P-WL require special exception criteria)

Project Limits/Location: Lot clearing and grading in preparation for pavement stockpile to be recycled.

Lat/Long: -70.645119 W, 44.794167 N

3. Proposed Activities

Describe in detail what activities are proposed: (include purpose and need, dimensions of existing and proposed road/bridge/culvert, etc.)

The project entails preparing and expanding an existing cleared lot for the stockpiling of milled pavement from the Route 17 Roxbury- Byron road reconstruction project, WIN 12775.00. In approximately 3 years the milled pavement will be processed into PM RAP and placed on Route 17 from Byron-Letter E-Township D.

The existing cleared area is about 32,000 sf and another 16,000 sf will be cleared to prepare the site. The added clearing area will be stumped and leveled. There is a small, unmapped stream in the northeast corner of the lot. The proposed stockpile location does not drain towards the stream. Clearing, excavation, and filling will not occur within 75' of the stream. The stumps from the cleared area will be buried on the lot, opposite side of the lot from the stream, and will comprise approximately 3,750 sf. The millings stockpile will be stacked so that the footprint is approximately 21,780 sf (1/2 acre). More than 5,000 sf will be within 250' of the unnamed stream.

4. Resource Impacts

P-WL1: stream: N/A **wetland:** N/A **P-WL2:** N/A **P-WL3:** N/A

Altering more than 15,000 sf of P-WL2, P-WL3 and/or 5,000 sf of P-WL1 will require the submittal of Exhibits D and E as described in Section 5.

5. Exhibits

Exhibit A: Attach a LURC Land Use Guidance Map and a USGS topo map with the project location clearly marked for all applications.

Exhibit B: Photographs of Project. A series of photographs taken within the past 2 years showing existing wetlands and water bodies. Each photograph must be labeled with the date, photographer, and clearly label direction of photo.

Exhibit C: Project plans or detailed notes.

The following Exhibits must be included if project impacts are over thresholds listed in Section 4:

Exhibit D: Wetland Supplement S-3 with required attachments

Exhibit E: Resource agency coordination documentation

6. Certification and Application Signatures

I have personally examined the information submitted in this application, including the accompanying exhibits, and to the best of my knowledge and belief, this application is true and accurate. I certify that the above described activities will be completed in accordance with the Commission's permit conditions applicable standards and MOA. I understand that activities carried out in violation of any conditions or standards are subject to enforcement action.

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LUPC - RANGELEY

Judy C. Gates

Signature of Applicant: _____

Date: 4/8/2016

Judy Gates, Director Environmental Office

LURC Authorization (for office use)

Based upon the information supplied by the applicant in this form and the attached exhibits, staff concludes that, if carried out in compliance with the conditions of approval of the authorization form, the proposal will meet the criteria for approval, 12 M.R.S.A 685P(4) of the Commission's statutes and the provision of the Commission's Land Use Districts and Standards (chapter 10).

LURC Authorized Signature: _____

*Sara L. Brusila*Authorized Date: April 26, 2016*Sara L. Brusila**LUPC Regional Representative.***Conditions of Approval**

1. Construction activities authorized by this permit will be started within 2 years, and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed by this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the commission.
2. All imported fill material will be free of hazardous or toxic materials and must not contain debris, trash, or rubbish.
3. The project will be performed in accordance with erosion control measures conforming to the latest versions of the *State of Maine Department of Transportation Standard Specifications for Highways and Bridges* and the *Maine Department of Transportation's Best Management Practices for Erosion and Sediment Control (BMP's)* and *Maine DOT Project Specific Special Provision 656*.
4. The project will be performed in accordance with American Association of State Highway and Transportation Officials (AASHTO) *Design Standards* and the latest version of the *State of Maine Department of Transportation Standard Specifications*.
5. The project will be performed in accordance with the current version of the *MaineDOT Waterway and Wildlife Crossing Policy and Design Guide*.
6. The project will be performed in accordance with setback limits stipulated by the Land Use Regulation Commission associated with construction trailers, privies and any other structures placed on the project for the purpose of constructing the project. The requirements are as follows:

-Great Ponds and Rivers draining 50 square miles or more	100 feet
-Tidal waters, ponds less than 10 acres, rivers draining less than 50 square miles, and P-W11 wetlands	75 feet
-Traveled portion of selected state routes: Route 1, 2, 2A, 4, 9, 27, 163, 201, 161 from Caribou to Fort Kent, Route 157 in TA R7 WELS, and Route 6 in Orneville Twp	75 feet
-Traveled portion of all roads on coastal islands	20 feet
-Traveled portion of all other roads	50 feet
-Side and rear property lines	15 feet
7. MaineDOT will dispose of any solid waste in accordance with applicable state and federal solid waste laws and rules. Subsurface wastewater disposal shall be in accordance with the Maine Plumbing Code.
8. Once construction is complete, MaineDOT will submit a self certification form with representative photographs, notifying the commission that all conditions of approval of this permit have been met.
9. The MaineDOT is consistent with the standards of the National Flood Insurance Program through adherence to Presidential Executive Order 11988.
10. All necessary property rights have been or will be obtained as authorized in accordance with 23 M.R.S.A. 153.
11. In stream work windows will be determined through MaineDOT coordination with state and federal fishery resource agencies when in stream impacts are proposed.
12. MaineDOT will conduct projects in accordance with the June 2009 Memorandum of Agreement.

LURC Additional Project Specific Conditions of Approval

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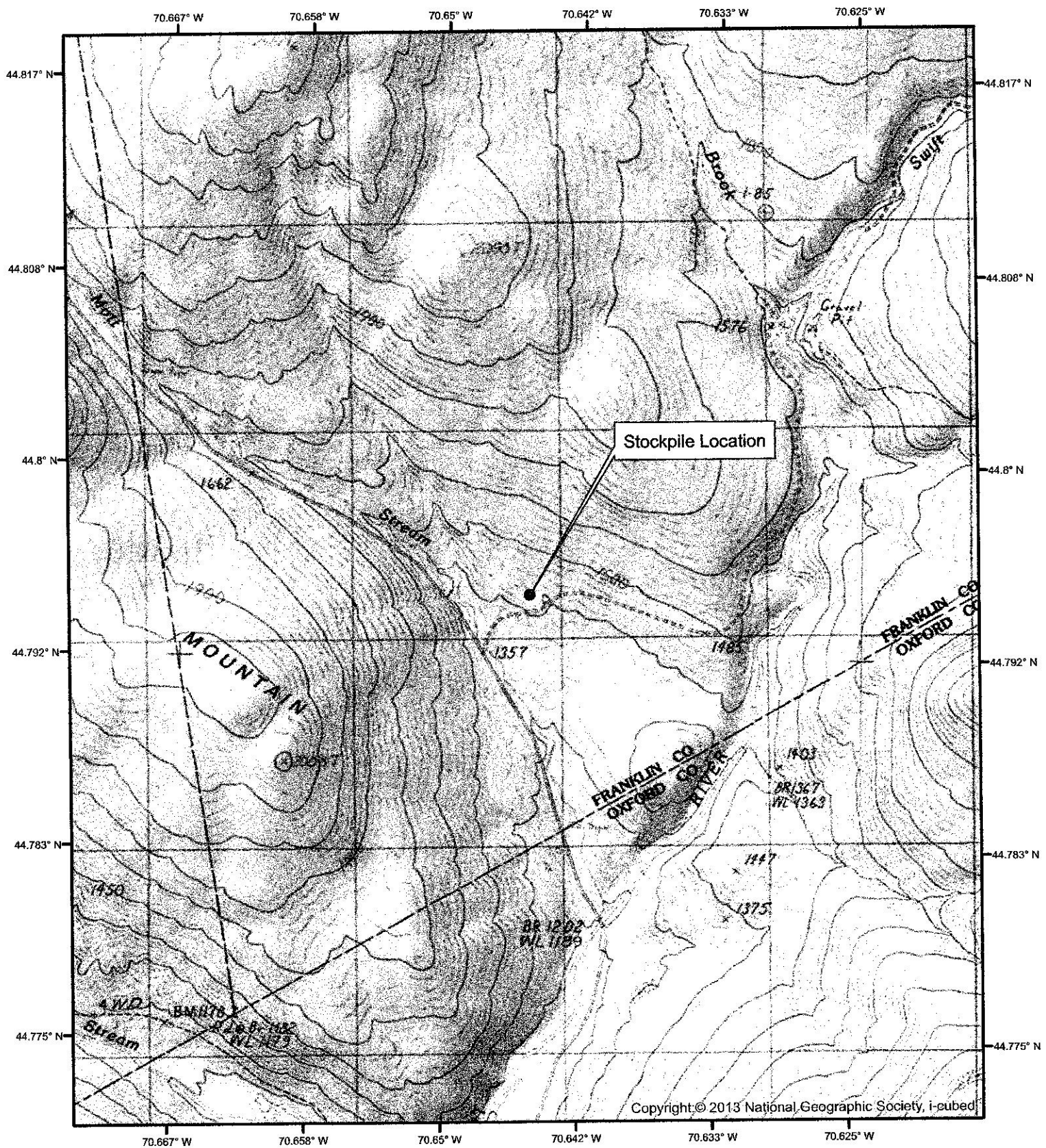
LUPC - RANGELEY

No additional project specific
conditions.

This permit is approved only upon the above stated conditions and remains valid only if permittee complies with all conditions. Any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

EX. A

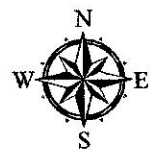
DP 4996



-70.645119 W
44.794167 N

0 335 670 1,340 2,010 2,680
Feet

MDOT M&O, Region 3
Letter E Twp.
Pavement Stockpile Location



DP 4996
Ex. B



Exhibit B1: 4/8/16, Tim Adams, Existing Lot and Gravel Driveway (Looking West).



Exhibit B2: 4/8/16, Tim Adams, Existing Lot/Edge of Area to be Cleared (looking Northwest).

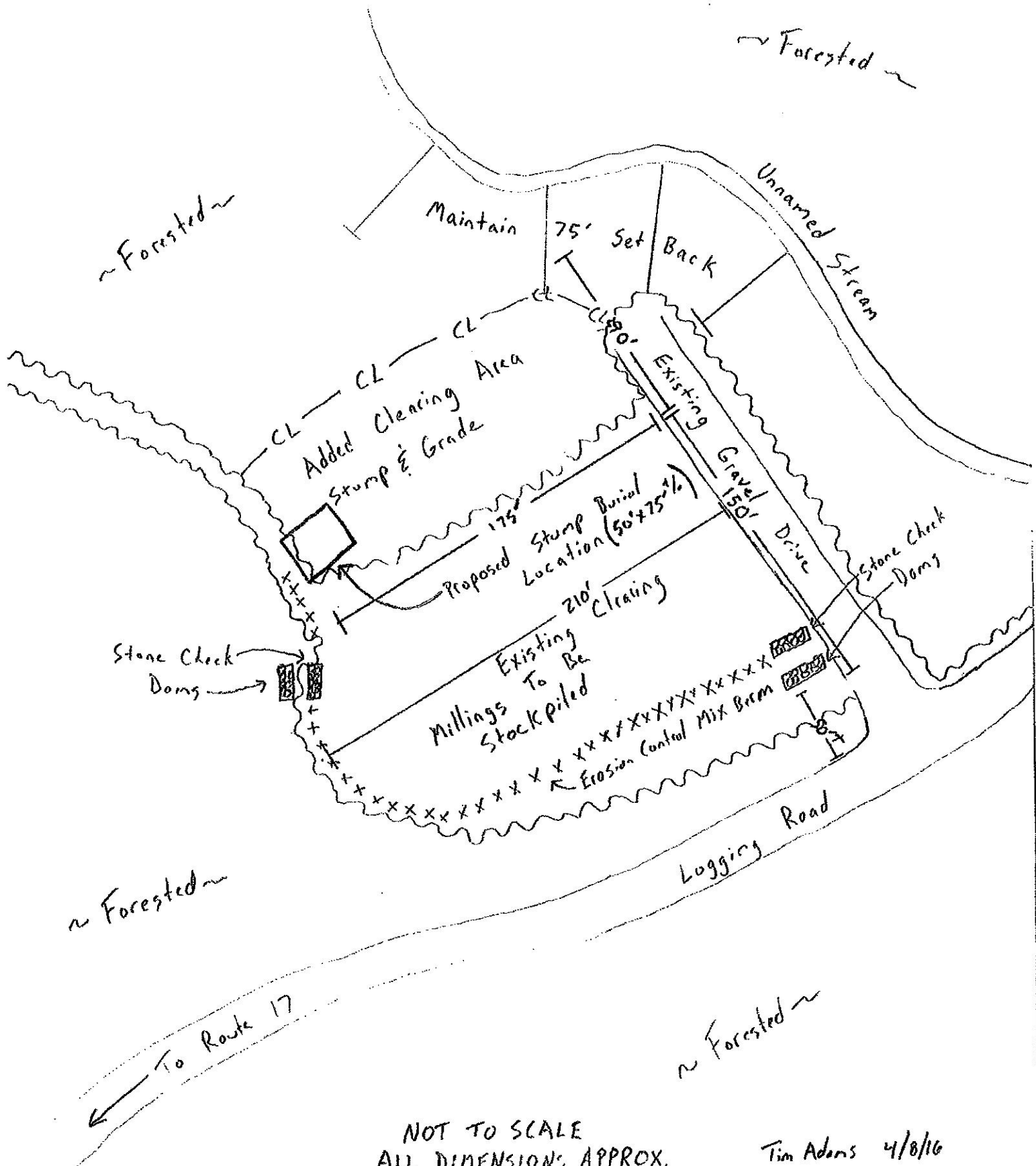
DP 4996
EX. B



Exhibit B3: 4/8/16, Tim Adams, Easterly Corner of Area to be Cleared (Looking South).



Exhibit B4: 4/8/16, Tim Adams, Stream Near Northeast Corner of Lot (looking North).



DP 4996

Ex. E

MHPC Comments

Brusila, Sara

From: Reed, Robin K
Sent: Friday, April 15, 2016 2:40 PM
To: Brusila, Sara
Subject: MHPC# 0487-16 -- re: LUPC request for review and comment on Development Permit Application DP 4996, MDOT, Township E

MHPC# 0487-16

Sara:

Our office has no concerns regarding archaeological or architectural resources for this project.

Thank you for the opportunity to review it.

Robin K. Reed
Maine Historic Preservation Commission
55 Capitol Street
65 State House Station
Augusta, ME 04333
phone: 207-287-2132 ext. 1
fax: 207-287-2335
robin.k.reed@maine.gov
<http://www.maine.gov/mhpc>

From: Brusila, Sara
Sent: Monday, April 11, 2016 5:12 PM
To: Reed, Robin K; Perry, John; MacLaine, John; Cordes, Robert; VanRiper, Robert; St.Hilaire, Lisa; Rocque, David
Subject: LUPC request for review and comment on Development Permit Application DP 4996, MDOT, Township E

Please follow these steps to view and/or retrieve copies of the MDOT's DP 4996 application from LUPC's FTP site:

Go to <http://www.maine.gov/dacf/lupc/review/>

After clicking the link above - a login box will open and you will be prompted to enter a

User Name: **doc**

Password: **mejuri1**

Please look for the subfolder "LUPC Rangeley Region" and click on it to open the folder. Then look for the file "dp4996_review". Double click on the file to open it. If you wish to download the file, right-click on the file and select the "Save As..." or "Save Target As..." option. Then save the file to your local drive.

If you have any questions or have difficulty accessing the file for this project please contact me.

Thank you.

Sara L. Brusila

DP 4996
EX. E
MNAP comments

MEMORANDUM

Maine Natural Areas Program

17 Elkins Lane
State House Station #93
Augusta, Maine 04333

Date: April 13, 2016
To: Sara Brusila, LUPC
From: Don Cameron, Ecologist
Re: Rare and exemplary botanical features, DP 4996, Stump Dump, Stockpiling of Milled pavement in excess of filling and grading standards, Township E, Maine.

I have searched the Natural Areas Program's Biological and Conservation Data System files for rare or unique botanical features in the vicinity of the proposed site in response to your request received April 11, 2016 for our agency's comments on the project.

According to our current information, there are no rare botanical features that will be disturbed within the project site. This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site. You may want to have the site inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed.

The Natural Areas Program is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We welcome the contribution of any information collected if a site survey is performed.

Thank you for using the Natural Areas Program in the environmental review process. Please do not hesitate to contact our office if you have further questions about the Natural Areas Program or about rare or unique botanical features at this site.

DP 4996
Ex. E
MDIRW
Comments

Comments - Environmental Permit Review	
Maine Department of Inland Fisheries and Wildlife	
Inland Fisheries and Wildlife Division Comments	
Region D	
Applicant's Name: Maine Department of Transportation	
Project #: DP4996	Regulatory Agency: LUPC
Project Type: Clearing and stockpile area	Project Manager: Sara Brusila
Comments Due Date: 4/21/2016	Date Comments Sent: 4/26/2016
Project Location	
Town: Township E	County: Franklin
Waterbody: unnamed stream	
Reviewing Biologist(s): Bob Cordes, Bob VanRiper	

After review of the application and consideration of the proposal's probable effect on the environment, and on our agencies programs and responsibilities, we provide the following comments:

I. Project Description/Resource Affected:

The applicant is proposing to expand a cleared area within a partially cleared lot for the purposes of stockpiling milled pavement and disposal of tree stumps.

II. Comments/Recommended Considerations or Conditions:

Wildlife Considerations

Minimal impacts to wildlife are anticipated from this project.

Fisheries Considerations

Provided erosion and sedimentation control BMPs are implemented as described, the existing flow characteristics of the site are maintained, and the activity does not lead to increased flow to the stream across un-vegetated portions of the parcel, there are no inland fisheries concerns associated with this project.

Brusila, Sara

From: Adams, Timothy
Sent: Wednesday, April 13, 2016 1:52 PM
To: Brusila, Sara
Subject: RE: LUPC request for review and comment on Development Permit Application DP 4996, MDOT, Township E

Sara,

I believe the stump issue falls under Chapter 401, Landfill Siting, Design and Operation. Specifically, it's Chapter 401, Section 7, Subsection A, Applicability, and it reads:

7. Special Requirements for Licensing of Small Construction/Demolition Debris, Land Clearing Debris, and Wood Waste Landfills

A. Applicability. This Section applies to landfills that meet all of the following conditions:

- (1) The landfill is operated solely for the disposal of construction/demolition debris, land clearing debris and/or wood waste, with incidental amounts of treatment plant grit, car wash basin grit, storm sewer grit, sediment materials removed from stormwater control structures, and ash from any permitted on-site burn pile;
- (2) The area within the solid waste boundary is smaller than 6 acres;
- (3) The landfill is located so that none of the siting criteria in section 7(D)(2) prohibit development; and
- (4) The facility meets the general facility standards of this section.

A.1 & 2 are fairly straightforward. As for A.3, it's located in M-GN, and for A.4, the facility standards, that refers to disposal at the site for no more than 20 years, no unauthorized wastes can be dumped, no more than ½ acre can be exposed at one time etc., and the minimum and maximum slope of the location.

The exemption, Chapter 401, Section 7.B reads:

B. Exemptions. In addition to the facilities listed in 06-096 CMR ch. 400, section 2, the following solid waste disposal activities are exempt from the requirements of this Chapter.

- (1) Disposal of construction/demolition debris, land clearing debris or wood wastes when:
 - (a) The solid waste boundary(ies) encloses an area of less than one acre;
 - (b) The disposal facility is located on the same parcel of land where the waste was generated;
 - (c) Only one exempt disposal facility is located on a single parcel of property, except that additional disposal facilities on the same parcel that are less than one acre size and that were in existence prior to May 6, 1991 do not require a license under this Chapter if no additional waste is disposed in those additional facilities after May 6, 1991; and
- (2) The disposal of unprocessed, unburned land clearing debris when:
 - (a) The solid waste boundary encloses an area of less than one acre;
 - (b) Written permission of the owner of the property has been obtained;

Sara L. Brusila
Regional Representative
Maine Dept. of Agriculture, Conservation & Forestry
Land Use Planning Commission
133 Fyfe Road
P.O. Box 307
West Farmington, ME 04992
Telephone: (207) 670-7493
E-mail: sara.brusila@Maine.gov

From: Rocque, David
Sent: Tuesday, April 12, 2016 3:52 PM
To: Brusila, Sara
Subject: RE: LUPC request for review and comment on Development Permit Application DP 4996, MDOT, Township E

Sara – Any idea what soil type the stumps will be buried in? Will they be buried below the groundwater table?

From: Brusila, Sara
Sent: Monday, April 11, 2016 5:12 PM
To: Reed, Robin K; Perry, John; MacLaine, John; Cordes, Robert; VanRiper, Robert; St.Hilaire, Lisa; Rocque, David
Subject: LUPC request for review and comment on Development Permit Application DP 4996, MDOT, Township E

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Thank you.

Sara L. Brusila
Regional Representative
Maine Dept. of Agriculture, Conservation & Forestry
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